

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

RICHARD HOPPER	)	
	)	
Petitioner	)	
	)	
v.	)	No. 1:15-cv-01031-JDB-egb
	)	
W. TAYLOR	)	
	)	
Respondent.	)	

---

**ORDER DIRECTING CLERK OF COURT TO CLOSE CASE**

---

On July 18, 2016, Petitioner, Richard Hopper, filed a Notice of Voluntary Dismissal (ECF No. 7). Petitioner is entitled to dismiss this case without prejudice because Respondent did not file an answer to the Petition for Writ of Habeas Corpus or a motion for summary judgment. *See* Fed. R. Civ. P. 41 (a)(1)(A) and (B). Petitioner’s notice of voluntary dismissal operates to dismiss this action without the need for an order of dismissal. *See id.*; *Warfield v. AlliedSignal TBS Holdings, Inc.*, 267 F.3d 538, 541 (6th Cir. 2001) (plaintiff’s “unilateral notice was the legally operative act of dismissal pursuant to Rule 41(a)(1)(i) [now 41(as)(1)(A)], making the district court’s subsequent order to the same effect superfluous.”); *D.C. Elecs., Inc. v. Narton Corp.*, 511 F.2d 294, 296 (6th Cir. 1975) (“Rule 41(a)(1)(i) [now 41(a)(1)(A)] . . . provides for dismissal of an action upon the unilateral filing of a notice of dismissal with the Clerk of Court and without the necessity of further agreement by any other party or further order of the court.”).

Accordingly, this action having been voluntarily dismissed by Petitioner without prejudice, the Clerk of Court is directed to close the case.

So ordered this 21st day of July, 2016.

s./ J. Daniel Breen  
CHIEF UNITED STATES DISTRICT JUDGE